



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

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|------------------------|-------------------|
| Express Mail No. | EL 452 481 459 US |
| Application Number | 09/379,212 |
| Filing Date | 08/23/99 |
| First Named Inventor | Robert J. Duffy |
| Group Art Unit | 3763 |
| Examiner Name | Mendez, M. |
| Attorney Docket Number | 8236-053-999 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. Previously submitted

- Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on ____
(Any unentered amendment(s) referred to above will be entered).
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____
- Other ____

b. Enclosed

- Amendment/Reply
- Affidavit(s)/Declaration(s)
- Information Disclosure Statement (IDS)
- Other ____

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01 FC:179
02 FC:122

740.00 CH
130.00 CH

MISSING
CONVERSION
T.H.

2. Miscellaneous

- Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of 3 months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- Other ____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed

- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Pennie & Edmonds LLP Deposit Account No. 16-1150:

- RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 740.00
- Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ ____ for a ____ month extension, the request for which is being made herewith
- Other \$130.00 Processing Fee for No Cause Suspension

- Check in the amount of \$ ____ enclosed
- Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--|-----------------------------------|-----------------|
| Name (Print/Type) | Richard E. Ballard For: Thomas D. Kohler (Reg. No. 32,797) | Registration No. (Attorney/Agent) | 46,078 |
| Signature | | Date | October 2, 2001 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or by facsimile transmitted to fax no. 1-703-____ to the U.S. Patent and Trademark Office on the date indicated below.

| | | | |
|-------------------|--|-----------------------------------|--|
| Name (Print/Type) | | Registration No. (Attorney/Agent) | |
| Signature | | Date | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231